

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1423 of 1997

in

SPECIAL CIVIL APPLICATION No 9636 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ONGC LTD

Versus

K SURENDRAN

Appearance:

M/S TRIVEDI & GUPTA for Appellants
MR ANAND L SHARMA for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

Date of decision: 23/04/98

ORAL JUDGEMENT

1. Admitted. Mr. A.L. Sharma, learned Advocate, waives service of notice of admission on behalf of the

respondent. In the facts and circumstances of the case, appeal is taken up today for final hearing.

2. Mr. Thaker, learned Advocate appearing for M/s Trivedi & Gupta, submitted that the directions given in the impugned order in Special Civil Application No.9636 of 1996 on 24.9.1997 have already been implemented by the appellants. The appellants are before this Court only to challenge the observations made in the impugned order to the effect that principle of stepping up would be applicable as in number of cases juniors are fixed at a higher pay scale than seniors. According to Mr. Thaker, it was only a individual case of mistake wherein the pay fixation of the original petitioner-present respondent was through mistake fixed at a lower pay scale, which has now been revised in light of the direction of the learned Single Judge, but it may not be construed that principle of stepping up would be applicable in all such similar cases as it may open flood gates of litigation. He has drawn our attention to following contention raised in the memo of appeal :-

"..In the humble submission of the appellants, if the judgment and order delivered by the learned Single Judge is allowed to stand as it is, then in that eventuality, the same is likely to open flood gates of litigation wherein certain affected employees might approach this Honourable Court quoting the judgment and order of the learned Single Judge as a precedent and contending that they are also eligible for and entitled to stepping up of pay as per the provisions of the said Regulations which in fact are not applicable in the present case. This is purely a case of error/mistake in fixation/refixation of pay/emoluments in a particular pay scale."

2. Mr. Sharma, learned Advocate appearing for the respondent also concedes that principle of stepping up may not be considered as applicable in the present case and, therefore, while not interfering with the judgment and order under challenge, we clarify that the decision of the learned Single Judge is to be construed as a decision in the facts and circumstances of the present case and may not be construed as a law relating to stepping up laid down by this Court. The appeal, accordingly, stands disposed off with the above clarification. No orders as to costs.

(C.K. THAKKAR, J.)

(A.L. DAVE, J.)

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